

Hon. Mr. TISDALE. The matter brought to the attention of the House by the member for Lincoln (Mr. Lancaster) is well worthy of consideration. The hon. gentleman is much more conversant with the later rules of procedure than I am, and he no doubt knows from practical experience whereof he speaks. The old principle of the Railway Act, as the minister truly says, was adopted a long time ago, and things have changed since then. While I would not, without further consideration be prepared to confer this power on the County Court judges, yet I think the minister should seriously consider the suggestion. The difference between the High Court judges and the County Court judges was more accentuated in times past than it is at present. The judges of the County Courts are now judges of the Superior Court in local matters, and this jurisdiction has been conferred on them for the very purpose of saving litigants the expense and inconvenience of going long distances from home when they are interested in litigation. From my experience, I would be as well satisfied to have the County Court judges appoint arbitrators as the Superior Court judges. They would be not only much cheaper but more quickly got at, which are advantages not only to the localities but to the railways themselves. There might be a number of other cases in which a County Court judge might very well be substituted for a Superior Court judge in Ontario. I would not be prepared to say that I would make this substitution in all cases. I think the suggestion of the hon. member for Lincoln is well worthy of consideration.

The MINISTER OF RAILWAYS AND CANALS. The clause must stand for further consideration. The argument which the hon. member has presented on the score of reduction in the expense of expropriation proceedings is one that occurred to my mind.

Mr. RUSSELL. It seems to me the question raised by the hon. member for Lincoln does not properly come up for discussion now. This clause simply says that judge shall mean a judge of the Superior Court where the context does not otherwise indicate. If it is desired to give jurisdiction to a County Court judge or a District Court judge, that will have to be specially provided for and will not interfere with this definition. I doubt very much if these definitions are of any real utility, because I cannot conceive of any case in which the statute itself should not say which court or which judge should have jurisdiction. But in any case there can be no difficulty in letting this definition stand.

Section allowed to stand.

On section 2, subsection t,

Hon. Mr. TISDALE. What object is there in leaving out the word 'map'? In some

cases, if the words, map or plan are not used, there may be an uncertainty in the sense, because I understand that the two words have been held to have different meanings.

The MINISTER OF RAILWAYS AND CANALS. When the clause says that the word plan means the ground plan, it means all that it is required to mean, and all that the word map means. You could not make any more or any less of it than a ground plan.

Hon. Mr. TISDALE. Unless the minister has some reason for considering the old language defective, I think it would be wise to stick to it, because there have been decisions based on different meanings for the two words.

The MINISTER OF RAILWAYS AND CANALS. What difference would the hon. gentleman suggest there could be between a map of the land proposed to be taken and a plan of the land proposed to be taken?

Mr. CASGRAIN. It seems to me that the word map means much more than the word plan. The word map includes the land, its ridges, rivers, streams, &c., whereas a plan may simply be an indication of the running of the line over the land. This is probably the reason why both words are used in the old Act.

The MINISTER OF RAILWAYS AND CANALS. If you refer to section 122, you will find that it defines just what the plan must disclose.

Hon. Mr. TISDALE. But the old law used the words map or plan even in that section. If you take section 123 which is the same as section 122 in the new Act, you will find that the expression is 'map or plan.' The minister rightly asked me to point out a distinction. Well, one can put on a map more than on a plan. It may be a good thing that more should appear than on the plan, but if you have more, it would not be the plan. There may be topographical information which would be very important, but in the interpretation the court would infer that, as we had changed the wording from that of the old Act the change was intentional on our part, and they might rule that because more was put on it than was necessary for a 'plan' and that the Act was not complied with. I agree with my hon. and learned friend (Mr. Casgrain) that the word 'map' is a larger expression than the word 'plan.' And we must remember that we are dealing with technical construction.

The MINISTER OF RAILWAYS AND CANALS. I understand my hon. friend (Hon. Mr. Tisdale) to press the view that if the plan were to show more than would be required, it would be ruled that this was a defect in the plan.

Hon. Mr. TISDALE. They might do so, as we are changing the law.